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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 004204

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SUBJECT: PRT KIRKUK: 13-POINT AGREEMENT ENDS ARAB BOYCOTT
OF PROVINCIAL COUNCIL

Classified By: Acting PolCouns Rob Waller for reasons 1.4 (b,d).

¶1. (SBU) Summary: The Kirkuk Brotherhood List (KBL) and the Arab Bloc of the Kirkuk Provincial Council (PC) on 2 December agreed on a resolution ending the Arab bloc's year long boycott. The thirteen-point agreement was the result of a PRT initiative to bring the blocs together during countless meetings over the past six months. While most of the thirteen points are vague and have yet to be implemented, the Arab bloc members resumed their seats at the Kirkuk Provincial Council on 4 December. PRT will provide regular updates on implementation the 13 points. Ongoing discussions between the KBL and the Arab blocs leave room for modification of the points during future discussions with the Turcoman bloc focused on ending their boycott. End summary.

¶2. (C) PC members representing the Kirkuk Brotherhood List (KBL) and the Arab bloc, formally known as the Iraqi Republican Gathering (IRG), signed a thirteen-point agreement on 2 December to end the year long Arab bloc boycott of the PC. The PC ratified the agreement on 11 December. Efforts by both the KBL and Arab blocs to end the Turcoman Bloc boycott of the PC may lead to modifications to certain points of the agreement, provided that all parties - the KBL, the Arab bloc, and the Turcoman bloc - agree. We list each of the thirteen points below.

a. Resolution Point 1 Text. "The IRG will fill the positions of Deputy Governor and Deputy City Council Chairman, provided that the IRG identifies their candidate for Deputy Governor within two weeks from the agreement signing date, in conformity with rules and regulations stated in the Constitution."

This point directly allocates two key positions to the Arab community. Discussions among Arab political and tribal leaders are currently centered on identifying nominees for Deputy Governor. Key members on both sides including the PC Chairman agreed the two-week deadline was flexible. The position of a Deputy Chairman for the Kirkuk City Council to be constituted under point 9 below will also go to a member of the Arab community. Since point 9 requires the participation of the Turcoman bloc for any vote, nominating a Deputy City Council Chairman is less urgent than a Deputy Governor. During boycott negotiations, both the KBL and the Arab bloc agreed to leave the position of City Council Chairman open for the Turcoman bloc.

b. Resolution Point 2 Text. "It was agreed on the proposal related to joint governance Directors General (DGs), Directors, Head of Sections, Staffs, and workers) at 32% for each of the main ethnicities (Kurds, Arabs, Turcomen) and 4% for Chaldo/Assyrians, Armenians and Sabeans (subject to approval by the PC). A delegation

shall be formed from the PC and Kirkuk Government to submit the issue to the Cabinet in order to take necessary executive actions. The implementation shall be step by step."

This point requires the eventual division of all government offices among the various ethnicities subject to approval from Baghdad. Members of both blocs understood at the various meetings that this point would not involve the dismissal of current staffing but would rather seek to attain the percentages mentioned through future hires. Of all the points in the agreement, point 2 will take the longest to fully implement. It is also likely to become the most contentious point as blocs vie for the more important DG positions. Kurds currently occupy less than 15% of these jobs so that what looks generous is really a way for Kurds to increase their employment numbers.

c. Resolution Point 3 Text. "The PC shall form a joint permanent high committee to follow up on procedures as well as technical and administrative mechanisms. The decisions taken by the Committee are compulsory and the PC lists must approve them."

This point is directly related to Point 2. No details are available on this point or on who will form the committee.

d. Resolution Point 4 Text. "Finalize the detainee issue in a legal way; transfer detainee cases to Kirkuk courts. The released persons must be handed over strictly to the Detainees and Missing People Committee in the PC. A delegation must be formed from PC to visit detainees in custody of Sulaymaniyah and Erbil prisons."

This is the Arab community,s most important demand. The

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Arab bloc,s talking points have prioritized detainees for over a year, specifically affording them due process and tracking the location and treatment of all detainees. A working group meets on a monthly basis to discuss the detainee issue.

e. Resolution Point 5 Text. "Form a national security department from all Kirkuk ethnic identities according to an agreed percentage. The non-official security forces in Kirkuk must return to areas where they came from."

This point calls for the formation of a provincial intelligence and security apparatus to replace Asayish - the Kurdish intelligence service - currently operating unofficially in the province. Members of the provincial organization would be seconded by other existing security organizations. Members of the Arab bloc would like to see this entity also serve an internal affairs function for Iraqi Police and Army units in the province.

f. Resolution Point 6 Text. "Stop trespassing on private and public properties. Activate decisions taken by the PC and cabinet on the issue. Form a high joint commission from the PC and Kirkuk Government and assign forces and executive powers, taking into account the humanitarian and legal aspect of the issue."

The GoI established the Commission for the Resolution of Real Property Claims (CRRPD) as an independent GoI agency answering directly to the Council of Ministers. However, in more than a year, only 5 percent of all land disputes and claims have been adjudicated. While most of those affected in Kirkuk province are Turcomen, the Arab bloc is sending a clear signal to the KBL that the pattern of Kurds arriving and squatting on lands needs to stop.

g. Resolution Point 7 Text. "Joint supervision of all commissions and project administrations related to provincial development and the budget."

A Projects Committee currently exists and reports directly to the PC, but the committee's top members are all KBL-affiliated. The intent of this point is to call for a more transparent and equal distribution of projects.

h. Resolution Point 8 Text. "Stop random and non-official detentions by non-official groups."

This point is related to points 4 and 5 and implicitly singles out Asayish detentions.

i. Resolution Point 9 Text. "Form a Kirkuk City Council of 21 members to be distributed as follows: (6 Kurds, 6 Arabs, 6 Turcomen) and three additional members (1 Chaldo-Assyrian, 1 Sabeen, 1 Armenian). The members must be nominated by the group they represent and in coordination with the PC Public Relations Committee. A vote in the City Council requires a quorum of 75%, provided at least four members from each large group are present. No vote will be called if one group is absent, even if the quorum is reached."

Currently there is no Kirkuk City Council and the PC has been fulfilling its role in addition to handling provincial affairs. This point establishes an ethnically inclusive City Council, although it limits the Council's ability to cast a vote until the Turcomen end their boycott. The PC possibly could proceed to nominate Kurdish and Arab City Council members, train them on responsibilities, and raise issues for PC action, although the City Council itself could not vote on them.

j. Resolution Point 10 Text. "Form a high commission with two members from each list participating in the agreement to discuss problems that may obstruct the political process and to find compromise solutions; provided that the head of the PRT participates in follow-up agreement implementation."

This point requires an executive committee to oversee the overall implementation of the 13 points. This committee potentially could oversee the other committees and working groups formed under this agreement.

k. Resolution Point 11 Text. "This agreement shall be disseminated by media. The return of IRG to PC meetings shall start on the agreement's signing date."

A joint press conference occurred immediately following the signing of the agreement on 2 December.

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l. Resolution Point 12 Text. "An exceptional weekly meeting shall be held to follow up on the proper implementation of this agreement during a period not surpassing 1 February 2008."

While this point technically requires the implementation of the 13 points of the agreement, PRT members, discussions with key representatives of each bloc indicate some flexibility here. The parties envisioned simply that some action must be taken on each point by 1 February.

m. Resolution Point 13 Text. "The Deputy Governor is considered to remain in his position if the IRG continues working with the PC and its committees; and he is considered to be boycotting if his list has boycotted or withdrawn from the PC. The IRG is entitled to replace him anytime it wants."

This point ensures the Arab bloc retains some control over an appointed Arab Deputy Governor. If the Arab bloc decides to boycott the PC in the future, the Deputy Governor will do likewise.

13. The agreement was signed by representatives of the two blocs on 2 December as follows.

a. Representing the KBL. Mohammad Kamal; Rebwar Faiq; Ahmad Abdullah; Awad Mohammad; Jamal Mawlood; Erfan Jamal; Silvana Boya; Rizgar Ali.

b. Representing the IRG-Arab bloc. Rakan Saeed Ali; Mohammad Khedher Ghareb; Ramla Hameed; Abdullah Sami; Mohammad Khalil. (Note: Rakan was authorized to sign on behalf of Abdullah Sami and Mohammad Khalil.)

COMMENT

14. (C) The relationship between the Arab and Turcoman blocs shifted during negotiations. Shortly after the PRT commenced its efforts, the Turcomen approached the PRT requesting that only one Deputy Governor be seated and that he be a Turcoman. The suggestion was probably an attempt by the Turcomen to prevent the Arab bloc from reaching an agreement with the Kurds, a goal that the Turcomen doggedly pursued throughout the six months of talks. The PRT initially proposed seating two Deputy Governors (one Arab and one Turcoman); in the end, the Arab bloc used the Turcoman bloc tactic and reached agreement with the Kurds on one Arab Deputy Governor. Ongoing discussions between the KBL and the Arab bloc leave room for modifying the points during future discussions on the Turcoman PC boycott. Efforts to end the Turcoman boycott will be the subject of a separate PRT cable.
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